

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

David J. Catanzaro,	:	Civil Action – Law
	:	
Plaintiff,	:	Case No.: 3:22-CV-01754
	:	
v.	:	Judge Joseph F. Saporito
	:	Judge Phillip J. Caraballo
Lykart Technologies LLC, et al.,	:	
	:	
Defendants.	:	<b>JURY TRIAL DEMANDED</b>

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**CONCURRED-IN MOTION OF DEFENDANT POSHMARK, INC. TO  
EXTEND TIME TO RESPOND TO PLAINTIFF’S  
OPERATIVE COMPLAINT**

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Defendant Poshmark, Inc. (“Poshmark”) moves for an extension of time to respond to Plaintiff’s operative Complaint, whether Plaintiff’s Verified Third Amended Complaint For Patent Infringement (the “Third Amended Complaint”) (ECF No. 33), Plaintiff’s Verified Fourth Amended Complaint for Patent Infringement (the “Fourth Amended Complaint”) (ECF No. 52), or Plaintiff’s Verified Fifth Amended Complaint for Patent Infringement (the “Fifth Complaint”) (ECF No. 53). In support thereof, Poshmark shows as follows:

1. Poshmark’s present deadline to respond to the Third Amended Complaint is April 21, 2025. ECF No. 47.

2. Plaintiff filed Plaintiff's Motion For Leave To File Fourth Amended Complaint on March 4, 2025. ECF No. 49.

3. Plaintiff filed Plaintiff's Motion For Leave To File Fifth Amended Complaint on March 7, 2025. ECF No. 53.

4. Poshmark and Plaintiff have agreed as follows: Poshmark will not oppose Plaintiff's Motion For Leave To File Fourth Amended Complaint or Plaintiff's Motion For Leave To File Fifth Amended Complaint and in exchange Plaintiff agrees that Poshmark can respond to the operative Complaint on or before the later of:

(a) April 21, 2025 (Poshmark's current deadline to respond to the Third Amended Complaint); or

(b) 30 days after the filing of the Fourth Amended Complaint or the Fifth Amended Complaint (or when the Court deems them filed) (i.e., assuming the Court allows Plaintiff to file said Complaint(s), Poshmark will respond within 30 days of their filing or when they are deemed filed); or

(c) 30 days after the Court denies leave to file the Fourth Amended Complaint or the Fifth Amended Complaint (i.e., if the Court denies Plaintiff's motion(s) for leave, Poshmark will respond to the Third Amended Complaint the later of 30 days after the Court denies leave or April 21, 2025).

5. Because Plaintiff concurs in this motion and the reasons for the request are set forth in the body of this motion, no supporting brief is required pursuant to Middle District Local Rule 7.5.

6. No party will be prejudiced by this Court granting an extension, and this motion is not being filed for purposes of harassment or delay.

7. This is Poshmark's second request to extend the deadline for the Third Amended Complaint and first request to extend the deadline to respond to the Fourth Amended Complaint and the Fifth Amended Complaint (assuming that the Court grants Plaintiff leave to file either Complaint).

WHEREFORE, Poshmark respectfully requests that the Court enter an Order setting Poshmark's deadline to respond to the operative Complaint as follows:

On or before the later of:

(a) April 21, 2025 (Poshmark's current deadline to respond to the Third Amended Complaint); or

(b) 30 days after the filing of the Fourth Amended Complaint or the Fifth Amended Complaint (or when the Court deems them filed) (i.e., assuming the Court allows Plaintiff to file said Complaint(s), Poshmark will respond within 30 days of their filing or when they are deemed filed); or

(c) 30 days after the Court denies leave to file the Fourth Amended Complaint or the Fifth Amended Complaint (i.e., if the Court denies Plaintiff's motion(s) for leave, Poshmark will respond to the Third Amended Complaint the later of 30 days after the Court denies leave or April 21, 2025).

Respectfully submitted,

Date: March 17, 2025

/s/ Bridget E. Montgomery

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*Counsel for Defendant Poshmark, Inc.*

### **CERTIFICATE OF CONCURRENCE**

The undersigned certifies that counsel for Defendant Poshmark, Inc. contacted Plaintiff regarding Plaintiff's concurrence with the foregoing motion. Plaintiff concurs in the requested relief.

/s/ Bridget E. Montgomery

Bridget E. Montgomery, Esquire

*Counsel for Defendant Poshmark, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on this 17<sup>th</sup> day of March, 2025, I served a copy of the foregoing CONCURRED-IN MOTION OF DEFENDANT POSHMARK, INC. TO EXTEND TIME TO RESPOND TO PLAINTIFF’S OPERATIVE COMPLAINT upon all counsel and parties of record via this Court’s electronic filing system and/or Electronic Mail, which service satisfies the requirements of the Federal Rules of Civil Procedure.

/s/ *Bridget E. Montgomery*

Bridget E. Montgomery, Esquire

*Counsel for Defendant Poshmark, Inc.*